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FCC MAIL ROOM

May 29, 1997

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Ms. Magalie Roman Salas, Secretary
FEDERAL COMMUNICATIONS COMMISSION
Room 222
1919 M Street, NW
Washington, DC 20554

Re: Petition for Rule Making
New FM - Channel 273C3
Cody, Wyoming

Dear Ms. Salas:

Enclosed please find an original and five copies of a Petition for Rule Making, filed on behalf of L. TOPAZ ENTERPRISES, INC., requesting the allotment of FM Channel 273C3 to Cody, Wyoming, as that community's second local FM service.

If this proposal is ultimately adopted, L. TOPAZ ENTERPRISES, INC., will promptly apply for authority to construct and operate a new station on the proposed channel.

An additional copy of the first page of the petition is enclosed. Please date-stamp and return to us in the enclosed postage-paid envelope.

If there are any questions, please advise.

Respectfully submitted,

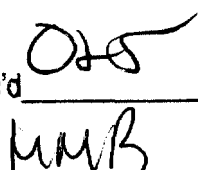
CONTEMPORARY COMMUNICATIONS



Larry G. Fuss
Consultant to L. TOPAZ ENTERPRISES, INC.

enclosures (as above)

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DATE



**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554 RECEIVED**

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In the Matter of)	
)	
Amendment of Section 73.202(b))	MM Docket _____
Table of Allotments,)	RM - _____
FM Broadcast Stations)	
(Cody, Wyoming))	

To: The Chief, Allocations Branch

PETITION FOR RULE MAKING

Comes now L. TOPAZ ENTERPRISES, INC., (hereafter "Petitioner"), pursuant to Section 1.401 of the Commission's Rules, and respectfully petitions the Commission to amend the FM Table of Allotments, 47 C.F.R. 73.202(b), to allocate FM Channel 273C3 to Cody, Wyoming, as that community's second local FM service.

Proposal of Petitioner:

	<u>Channel Numbers</u>	
<u>City</u>	<u>Present</u>	<u>Proposed</u>
Cody, Wyoming	250C	250C, 273C3

In support of this proposal, the following information is herewith submitted for consideration:

Cody is an incorporated community located in Park County in northwestern Wyoming, approximately 280 kilometers northwest of Casper, Wyoming. The city population is 7,897 and the county population is 23,178 ^{1/}. It is the county seat of Park County. Adoption of this proposal will provide Cody with its second local FM broadcast service.

Attached hereto and made a part of this petition is a Technical Exhibit in support of the requested allotment. Based on the information contained therein, it appears that the requested channel could be allocated to Cody, in full compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules, without the imposition of a site-restriction.

If this proposal is adopted, Petitioner will promptly apply for authority to construct and operate a new FM broadcast station at Cody, Wyoming. If a construction permit is granted, Petitioner will promptly construct and operate the proposed station.


^{1/} Population figures from the 1990 U.S. Census.

In accordance with Section 1.52 of the Commission's Rules and Regulations, I hereby certify that I have examined the foregoing Petition for Rule Making and the attached Technical Exhibit and that both are true and correct to the best of my knowledge and belief.

WHEREFORE, it is respectfully requested that the instant petition be granted and that the FM Table of Allotments, Section 73.202(b), be amended as requested herein.

Respectfully submitted,

L. TOPAZ ENTERPRISES, INC.



Dale A. Ganske, President
5546-3 Century Avenue
Middleton, WI 53562
(608) 831-8708

by:

CONTEMPORARY COMMUNICATIONS



Larry G. Fuss, President
P.O. Box 1787
Cleveland, MS 38732
(601) 846-1787
(601) 843-1410 (Fax)

May 29, 1998



Contemporary Communications

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TECHNICAL EXHIBIT

IN SUPPORT OF
PETITION FOR RULE MAKING
NEW FM - CHANNEL 273C3
CODY, WYOMING

L. TOPAZ ENTERPRISES, INC.

Prepared May 26, 1998

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TECHNICAL EXHIBIT

IN SUPPORT OF PETITION FOR RULE MAKING NEW FM - CHANNEL 273C3 CODY, WYOMING

L. TOPAZ ENTERPRISES, INC.

INTRODUCTION

This Technical Exhibit supports the petition of L. TOPAZ ENTERPRISES, INC., seeking to amend the FM Table of Allotments, Section 73.202(b) of the Rules, by allocating FM Channel 273C3 to Cody, Wyoming, as that community's second local FM channel.

ALLOCATION

A study was performed using the computerized **SEARCHFM** frequency search program and the current FCC/NTIS database to determine if Channel 273C3 could be allocated in compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules. The study included all applicable co-channel, adjacent-channel and IF separations. The results of that study indicate that Channel 273C3 may be allocated to Cody in full compliance with Section 73.207(b), without the imposition of a site-restriction.

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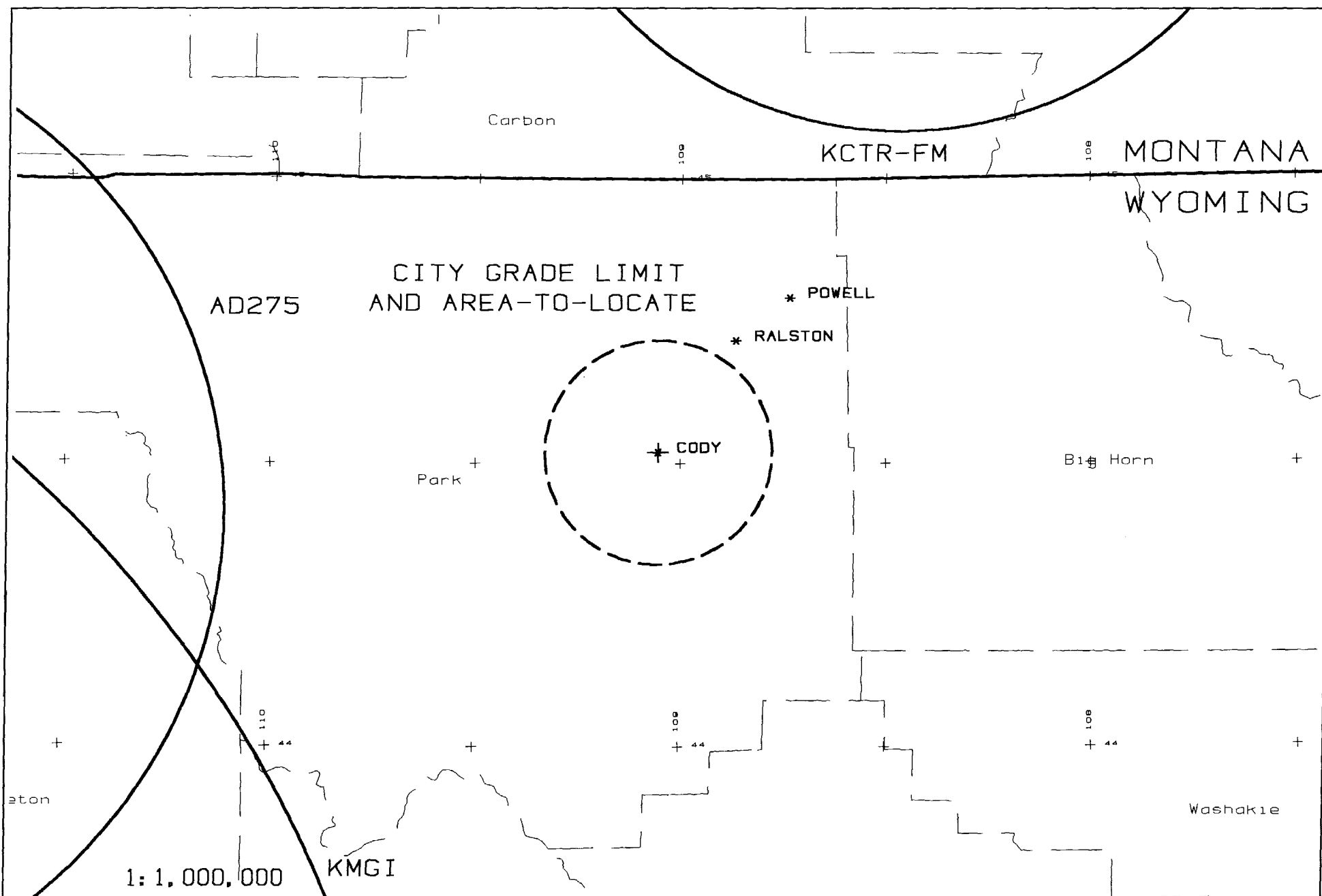
The "area-to-locate" for Channel 273C3 is indicated on Exhibit A, attached hereto. The exhibit depicts the required separation arcs from all pertinent co-channel and adjacent channel stations and allocations. As indicated, there is ample area in the vicinity of Cody in which to locate a transmitter site. Assuming maximum Class A facilities (25 kw @ 100 meters above average terrain), a transmitter site at any location within the "area-to-locate" would enable the proposed station to provide adequate city-grade (70 dBu) coverage to the entire city, in full compliance with Section 73.315(a) and (b).

CONCLUSION

The proposed change in the table of allotments will not create a short-spacing to any existing station, pending application or vacant allotment, and will not require the reallocation of any station, pending application or vacant allotment.

A copy of the separation study for Channel 273C3 is attached hereto as Exhibit B and made a part of this report (only those stations and channels sufficiently close for concern are noted therein).

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<p>Scale in km</p> <p>0 10 20 30 40 50 60 70</p>	<p>AREA-TO-LOCATE - CHANNEL 273C3</p> <p>N. Lat. 44 31 10 W. Lng. 109 03 15</p>	<p>EXHIBIT A</p> <p>CODY, WYOMING</p>
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CONTEMPORARY COMMUNICATIONS
BROADCAST CONSULTANTS

NEW FM DROP-IN SEARCH
CODY WYOMING

REFERENCE

44 31 10 N

109 03 15 W

CLASS = C3

Current Spacings

Channel 273 - 102.5 MHz

DISPLAY DATES

DATA 05-02-98

SEARCH 05-02-98

Call	Channel	Location	Power	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.			HAAT			
KCTRFM LI	275C1	Billings	MT	146.36	18.5	76.0	70.36
45 45 59	108 27 19	CN	100.000 kW	152 M			
DRB Billings License Inc.				BLH790727AF	960823		
AD275 AD	275C	Island Park	ID	180.24	266.3	96.0	84.24
44 23 30	111 18 42		0.000 kW	0 M			
Alpine Broadcasting, Ltd.				RM9128	980107		
KMGI LI	273C	Pocatello	ID	333.92	237.7	237.0	96.92
42 51 57	112 30 46	CN	100.000 kW	312 M			
Pacific Empire Communications				BLH871216KF	980128		

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CERTIFICATION

State of Mississippi)
) ss.
County of Bolivar)

I, Larry G. Fuss, do hereby certify as follows:

- 1) I am a qualified and experienced broadcast consultant. I have been actively involved in the broadcast industry since 1972 and currently hold a lifetime FCC General Class Radio Telephone License (License No. PG-8-8450).
- 2) I have prepared numerous applications and rule making petitions which have been accepted for filing with the Federal Communications Commission.
- 3) I have been retained by L. Topaz Enterprises, Inc., to prepare the attached Technical Exhibit.
- 4) The Technical Exhibit, of which this deposition is a part, and the measurements, calculations, studies and determinations upon which this report is based, were prepared by me or under my supervision and direction. All material contained therein is believed to be true and correct, to the best of my knowledge and belief.

Larry G. Fuss
Larry G. Fuss
Affiant

5/26/98
Date